



TOWN OF LITCHFIELD

LITCHFIELD ZONING BOARD OF ADJUSTMENT

Litchfield, New Hampshire May 13, 2020

DRAFT

Regular meetings are held at the Town Hall at 7:00 pm on the 2nd Wednesday of each month.

ZBA Members in Attendance (indented if absent):

Richard Riley, Chairman (Remote from home)

Albert Guilbeault

John Devereaux (Telephone)

Thomas Cooney (alternate)

Eric Cushing (alternate)

Greg Lepine (alternate)

Mark Falardeau (alternate) (Remote from home)

Kyle D'Urso (alternate), (Remote from home)

Laura Gandia, Vice Chairman (Remote from home)

I. CALL TO ORDER AND ROLL CALL

Richard Riley called the meeting to order at 7:00 pm. Alternate, Kyle D'Urso was appointed by the Board; Alternate Mark Falardeau was appointed by the Board, resulting in a full quorum. Richard Riley took roll call attendance: Richard Riley, present; Laura Gandia, present; John Devereaux, present; Mark Falardeau, present; Kyle D'Urso, present.

II. CHAIRPERSON OPENING REMARKS

Richard Riley reviewed the schedule for hearings. He indicated that there is a full Board this evening.

Case Number: 2020-02

Name of Applicant: Diane Forsyth and Sanborn Ward

Owner of Property: Diane Forsyth and Sanborn Ward

Location of Property: 2 Nathan Drive, Litchfield, NH 03052, Map 10, Lot 136

Appeal Requested

The Applicant seeks a variance from LZO Section 310 to build a garage which will encroach on the 50 foot set back by 16.2 feet.

III. PUBLIC HEARING AND DELIBERATION

Notices of the Public Hearings were posted and published in the Nashua Telegraph. Notice of the meeting and agenda were posted at the town hall and public library.

PART I

The applicant read their responses to the variance criteria.

1. Granting of the variance will not be contrary to the public interest because similar homes also have garages and the garage will not alter the character of the neighborhood. The garage will not threaten the health, safety, or general welfare of the public.

2. The spirit and intent of the ordinance is observed because the garage will not result in a change to the existing conditions of the property and will not increase the load on the septic system.
3. That by granting this variance substantial justice will be done because any loss to an individual which is not outweighed by a gain to the general public is an injustice. Denial of the variance will result in no gain to the general public as the density of the development will remain unchanged. Granting the variance will have no negative effect on the neighborhood.
4. That there will not be diminution in the value of surrounding property because the surrounding property values would not be diminished by the construction of a garage and will increase the value of the applicant's property.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the property is situated on a corner with frontages on both Nathan Drive and Pinecrest Road; a septic system is located on the front of the property and a steep hill is at the back of the lot.

Richard Riley asked what is on the side of the property where the existing shed is located.

Sanborn Ward indicated that there is a septic system on the abutter's property on Nathan Drive and the holding tank to the septic system for the applicant's property is on the left side.

John Devereaux asked if there will be any improvements to the existing driveway where the garage will be located.

Diane Forsyth indicated some of the driveway will be torn up to construct the garage, but it will be replaced.

John Devereaux asked if the driveway will be widened. Diane Forsyth indicated they are not planning to widen the driveway.

Kyle D'Urso asked if there will be any significant tree removal.

Diane Forsyth indicated one tree will be removed.

Richard Riley commented that this is two car garage measuring 24' x 30'.

Diane Forsyth confirmed Richard Riley's statement, adding the doors will be 9' x 8'.

Richard Riley opened the meeting to public input. He indicated there are two letters from abutters:

Chris and Sandra Hand, 1 Nathan Drive, dated May 8, 2020, who are in support of the variance request for the garage. He added the abutters believe the addition will boost neighborhood curb appeal.

Mickey Frasier, 4 Nathan Drive, who is in support of granting the variance request.

Hearing no further public input, Richard Riley asked for a motion to close public input.

Laura Gandia made a motion to close public input. Mark Falardeau seconded. The motion carried 5-0-0.

Part I

Decision Criteria: Zoning Board Deliberations

1) The variance will not be contrary to the public interest:

Laura Gandia was concerned with the safety aspect with Pinecrest Road, noting the speed that cars travel on that road. She indicated there have been multiple accidents on the road. She commented the setback on Pinecrest Road is there for safety purposes as well.

Richard Riley commented the new structure will be situated at the top of the last part of the driveway and any vehicles will be sitting further back from the road.

Laura Gandia noted the property has many trees along the Pinecrest Road side.

Richard Riley commented the structure will be a further away from Pinecrest than the existing driveway. He recalled a similar case with a property that had trees bordering the property and commented that if a vehicle did veer off of Pinecrest Road in that area, it would most likely strike the trees first.

John Devereaux commented there are plenty of trees along the street as a buffer. He noted that even with the amount of footage into the setback the structure will still be over 30 feet from the street.

Richard Riley commented he shares Laura Gandia's concern.

Laura Gandia commented that, according to the submitted plan where the property is located there are some other streets coming off Pinecrest Road that will enter and exit onto Pinecrest Road.

Richard Riley indicated this project would not increase traffic and vehicles will be entering and exiting the property on Nathan Drive. He commented he does not see this structure as obscuring any view.

Laura Gandia clarified her concern is with the existing traffic.

2) The spirit of ordinance is observed:

Richard Riley commented there is no change with the septic load. He indicated there is some conflict there, but does it rise to the level that we cannot approve the request.

3) Substantial justice is done:

Richard Riley commented the benefits are not outweighed by an injustice to the public. He believes having a garage is a benefit.

4) The values of surrounding properties are not diminished:

Richard Riley indicated similar projects have been completed and this project will increase value and have a positive impact on the surrounding properties.

5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

Richard Riley indicated the garage would be within the proper distance from Nathan Drive and the opposite side lot line, there is a septic system on the other side and a pool in the backyard; one tree to be removed. He commented the uniqueness of the lot makes it necessary to put the garage where it will be constructed.

Richard Riley indicated if all Board members are in agreement, he will entertain a motion relative to the request for a variance.

Laura Gandia made a motion to grant a variance from LZO Section 310 that will encroach 16.2' into the 50' front setback of Pinecrest Road to construct a garage. Mark Falardeau seconded the motion. The motion carried by roll call vote: Richard Riley, yes; Laura Gandia, yes; John Devereaux, yes; Mark Falardeau, yes; Kyle D'Urso, yes.

Richard Riley informed the applicants that he will send a letter with the decision of the Zoning Board and that there is a 30 day waiting period prior to beginning the project in the event of an appeal.

IV. COMMUNICATIONS AND OTHER BUSINESS

Richard Riley indicated there are more applications and cases for June 2020.

V. ADJOURNMENT

John Devereaux made a motion to adjourn the meeting and Mark Falardequ seconded the motion. The motion passed 5-0-0.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,
Michele E. Flynn